

REMARKS

The Examiner is thanked for the thorough examination of the present application. This is a full and timely response to that outstanding Office Action mailed March 4, 2009. Upon entry of the amendments in this response, claims 1-20 and 22-35 remain pending. More specifically, claims 1, 3, 6-12, 14-19, 23-26, 28-29, 32, and 34-35 are amended. No new matter is added to the present application by these amendments.

I. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1, 16, and 34 under 35 U.S.C. §112, First Paragraph, as allegedly failing to comply with the written description requirement. To address the Examiner's concerns, the claims have been amended to remove the "non-email" language from the claims.

Further, the Office Action rejects claims 1, 16, 29, and 34 under 35 U.S.C. §112, Second Paragraph as allegedly being indefinite for allegedly failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. See pages 3-4. To address the Examiner's concerns, the claims have been rewritten to state that a recipient of the text message discerns from the subject of the message whether the recipient is an intended recipient of the message.

For at least these reason, Applicant respectfully submits that the rejection of claims 1, 16, 29, and 34 under § 112 should be withdrawn.

II. Rejections Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-3, 6-10, 12, 14, 16-19, 23-25, 27, 29, 32, and 34 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Weitz* (U.S. Patent No. 6,445,682) in further view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of Applicant's Admitted Prior Art (AAPA). The Office Action rejects claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of AAPA in further view of *Chuah* (U.S. Patent No. 6,400,722). The Office Action rejects claim 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of AAPA in further view of *Kozdon* (U.S. Patent No. 6,456,601). The Office Action rejects claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of AAPA in further view of *Rogers* (U.S. Patent No. 6,301,484). The Office Action rejects claims 13, 20, and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of AAPA in further view of *Bookspan* (U.S. Patent No. 6,636,888). The Office Action rejects claim 15, 26, and 30 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of AAPA in further view of *Lewis* (U.S. Patent No. 6,513,019). The Office Action rejects claims 28 and 31 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of AAPA in further view of *Ooe* (U.S. Patent No. 6,330,238). The Office Action rejects claims 33 and 35 under 35 U.S.C. §103(a) as allegedly being unpatentable over

Brown in view of *Weitz* in further view of *Troen-Krasnow* in further view of AAPA in further view of *Lewis* in further view of *Bookspan*.

A. Claims 1-3, 6-10, 12, and 14

Independent claim 1 recites:

A method for sending electronic mail from a client operating within a client-server architecture, the method comprising:

(a) provisioning the client with client broadcast text messaging software;

(b) provisioning a server with server broadcast text messaging software, wherein the server is in communication with the client;

(c) ***broadcasting from the client a text message in a broadcast transmission in a format of the broadcast text messaging software using subject based addressing wherein text in a subject field of the text message indicates an intended recipient, and wherein the text message contains the electronic mail including a destination email address for the electronic mail in a body of the text message;***

(d) ***receiving the text message at the server after discerning from the text in the subject field that the text message is intended for the server;***

(e) ***reformatting the text message from the format of the broadcast text messaging software to a format compatible with an email server; and***

(f) ***forwarding the reformatted text message to the email server in an email transmission to the destination email address;***

wherein broadcasting includes transmitting a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant's Admitted Prior Art (AAPA) does not disclose,

teach, or suggest at least “(c) broadcasting from the client a text message in a broadcast transmission in a format of the broadcast text messaging software using subject based addressing wherein text in a subject field of the text message indicates an intended recipient, and wherein the text message contains the electronic mail including a destination email address for the electronic mail in a body of the text message; (d) receiving the text message at the server after discerning from the text in the subject field that the text message is intended for the server; (e) reformatting the text message from the format of the broadcast text messaging software to a format compatible with an email server; and (f) forwarding the reformatted text message to the email server in an email transmission to the destination email address,” as emphasized above.

For example, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the SMTP host. *Brown* fails to disclose a broadcast transmission of messages where a message is transmitted to all network components on a network. Further, *Brown* discloses a conversion of a sender-preferred message format, such as a **voice mail format**, to a recipient-preferred messaging format, such as an **email format**, whereas claim 1 describes an **email message** being contained in a broadcast text message; the text message being broadcasted to a server; and the text message being reformatted into an **email message** that is sent to a destination email address (which is the same format as the initial format). For at least these reasons, *Brown* fails to teach or suggest at least “(c) broadcasting from the client a text message in a broadcast transmission in a format of the

broadcast text messaging software using subject based addressing wherein text in a subject field of the text message indicates an intended recipient, and wherein the text message contains the electronic mail including a destination email address for the electronic mail in a body of the text message; (d) receiving the text message at the server after discerning from the text in the subject field that the text message is intended for the server; (e) reformatting the text message from the format of the broadcast text messaging software to a format compatible with an email server; and (f) forwarding the reformatted text message to the email server in an email transmission to the destination email address,” as recited in claim 1.

Further, *Weitz* describes broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Weitz* describes that a net message may be converted to an email message when a particular user to whom a net message is being directed is not logged on a network. See col. 22, lines 18-23. As such, *Weitz* does not disclose the formatting of an email message within a text message and the reformatting of the text message into an email format. Accordingly, *Weitz* does not remedy the deficiencies of *Brown*.

In addition, *Troen-Krasnow* discloses broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Troen-Krasnow* describes that a voice message may be converted to a text message preferred by a recipient. See col. 6, lines 23-32. As such, *Troen-Krasnow* does not disclose the formatting of an email message within

a text message and the reformatting of the text message into an email format. Accordingly, *Troen-Krasnow* does not remedy the deficiencies of *Brown* and *Weitz*. For that matter, the background section of Applicant's disclosure also does not remedy the aforementioned deficiencies.

As a result, *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant's Admitted Prior Art (AAPA) fails to teach or suggest at least "(c) broadcasting from the client a text message in a broadcast transmission in a format of the broadcast text messaging software using subject based addressing wherein text in a subject field of the text message indicates an intended recipient, and wherein the text message contains the electronic mail including a destination email address for the electronic mail in a body of the text message; (d) receiving the text message at the server after discerning from the text in the subject field that the text message is intended for the server; (e) reformatting the text message from the format of the broadcast text messaging software to a format compatible with an email server; and (f) forwarding the reformatted text message to the email server in an email transmission to the destination email address," as recited in claim 1. Therefore, the rejection of claim 1 should be withdrawn. Since claims 2-3, 6-10, 12, and 14 depend from claim 1 and recite additional features, claims 2-3, 6-10, 12, and 14 are also allowable over the cited art.

B. Claims 4, 5, 11, 13, and 15

Applicant respectfully submits that *Chuah* does not make up for the deficiencies of *Brown*, *Weitz*, *Troen-Krasnow*, and AAPA in disclosing all of the features of

independent claim 1; *Kozdon* does not make up for the deficiencies of *Brown, Weitz, Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 1; *Rogers* does not make up for the deficiencies of *Brown, Weitz, Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 1; *Bookspan* does not make up for the deficiencies of *Brown, Weitz, Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 1; and *Lewis* does not make up for the deficiencies of *Brown, Weitz, Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 1. Therefore, claims 4, 5, 11, 13, and 15 are considered patentable over any combination of the cited art for at least the reason that claims 4, 5, 11, 13, and 15 incorporate allowable features of claim 1 as set forth above.

C. Claims 16-19, 23-25, and 27

Independent claim 16 recites:

A system for sending an electronic mail (email) from a client in a client-server architecture, the system comprising:

(a) a plurality of clients, wherein each client of the plurality of clients contains client broadcast text messaging software, data processing software, and a client application program interface, and wherein each client is in communication with the plurality of clients;

(b) a text messaging server in communication with the plurality of clients, wherein the text messaging server contains server broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message containing the electronic mail using subject based addressing in a broadcast transmission wherein text in a subject field of the text message indicates an intended recipient and a destination email address is contained in a body of the text message, wherein the text messaging server discerns from the text in the subject field that the text message is intended for the text messaging server, and reformat the text message from a format compatible with the server broadcast text

messaging software to a format compatible with an email server addressed to the destination email address; and

(c) an email server in communication with the text messaging server;

wherein the broadcast text messaging software is configured to transmit a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that independent claim 16 is allowable for at least the reason that the combination of *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant's Admitted Prior Art (AAPA) does not disclose, teach, or suggest at least "(b) a text messaging server in communication with the plurality of clients, wherein the text messaging server contains server broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message containing the electronic mail using subject based addressing in a broadcast transmission wherein text in a subject field of the text message indicates an intended recipient and a destination email address is contained in a body of the text message, wherein the text messaging server discerns from the text in the subject field that the text message is intended for the text messaging server, and reformat the text message from a format compatible with the server broadcast text messaging software to a format compatible with an email server addressed to the destination email address," as emphasized above.

For example, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the

SMTP host. *Brown* fails to disclose a broadcast transmission of messages where a message is transmitted to all network components on a network. Further, *Brown* discloses a conversion of a sender-preferred message format, such as a **voice mail format**, to a recipient-preferred messaging format, such as an **email format**, whereas claim 16 describes an **email message** being contained in a broadcast text message; the text message being broadcasted to a server; and the text message being reformatted into an **email message** that is sent to a destination email address (which is the same format as the initial format). For at least these reasons, *Brown* fails to teach or suggest at least “(b) a text messaging server in communication with the plurality of clients, wherein the text messaging server contains server broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message containing the electronic mail using subject based addressing in a broadcast transmission wherein text in a subject field of the text message indicates an intended recipient and a destination email address is contained in a body of the text message, wherein the text messaging server discerns from the text in the subject field that the text message is intended for the text messaging server, and reformat the text message from a format compatible with the server broadcast text messaging software to a format compatible with an email server addressed to the destination email address,” as recited in claim 16.

Further, *Weitz* describes broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Weitz* describes that a net message may be converted to an email message

when a particular user to whom a net message is being directed is not logged on a network. See col. 22, lines 18-23. As such, *Weitz* does not disclose the formatting of an email message within a text message and the reformatting of the text message into an email format. Accordingly, *Weitz* does not remedy the deficiencies of *Brown*.

In addition, *Troen-Krasnow* discloses broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Troen-Krasnow* describes that a voice message may be converted to a text message preferred by a recipient. See col. 6, lines 23-32. As such, *Troen-Krasnow* does not disclose the formatting of an email message within a text message and the reformatting of the text message into an email format. Accordingly, *Troen-Krasnow* does not remedy the deficiencies of *Brown* and *Weitz*. For that matter, the background section of Applicant's disclosure also does not remedy the aforementioned deficiencies.

As a result, *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant's Admitted Prior Art (AAPA) fails to teach or suggest at least "(b) a text messaging server in communication with the plurality of clients, wherein the text messaging server contains server broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message containing the electronic mail using subject based addressing in a broadcast transmission wherein text in a subject field of the text message indicates an intended recipient and a destination email address is contained in a body of the text message, wherein the text messaging server

discerns from the text in the subject field that the text message is intended for the text messaging server, and reformat the text message from a format compatible with the server broadcast text messaging software to a format compatible with an email server addressed to the destination email address,” as recited in claim 16. Therefore, the rejection of claim 16 should be withdrawn. Since claims 16-19, 23-25, and 27 depend from claim 16 and recite additional features, claims 16-19, 23-25, and 27 are also allowable over the cited art.

D. Claims 13, 15, 20, 22, 26, and 28

Applicant respectfully submits that *Bookspan* does not make up for the deficiencies of *Brown, Weitz, Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 16; *Lewis* does not make up for the deficiencies of *Brown, Weitz, Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 16; and *Ooe* does not make up for the deficiencies of *Brown, Weitz, Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 16. Therefore, claims 13, 15, 20, 22, 26, and 28 are considered patentable over any combination of the cited art for at least the reason that claims 13, 15, 20, 22, 26, and 28 incorporate allowable features of claim 16 as set forth above.

E. Claims 29 and 32

Independent claim 29 recites:

A method for sending an electronic mail (email) comprising:

(a) broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message, and wherein a body of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture;

(b) receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text message is intended for the server computer;

(c) reformatting the text message from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and

(d) forwarding the reformatted text message to an email server that is compatible with the email format;

wherein broadcasting includes transmitting a text message from a single component on a network.

(Emphasis added).

Applicant respectfully submits that independent claim 29 is allowable for at least the reason that the combination of *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant's Admitted Prior Art (AAPA) does not disclose, teach, or suggest at least "(a) broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message, and wherein a body of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture; (b) receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text

message is intended for the server computer; (c) reformatting the text message from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and (d) forwarding the reformatted text message to an email server that is compatible with the email format,” as emphasized above.

For example, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the SMTP host. *Brown* fails to disclose a broadcast transmission of messages where a message is transmitted to all network components on a network. Further, *Brown* discloses a conversion of a sender-preferred message format, such as a voice mail format, to a recipient-preferred messaging format, such as an email format, whereas claim 29 describes an email message being contained in a broadcast text message; the text message being broadcasted to a server; and the text message being reformatted into an email message that is sent to a destination email address (which is the same format as the initial format). For at least these reasons, *Brown* fails to teach or suggest at least “(a) broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message, and wherein a body of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture; (b) receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text message is intended for the server computer; (c) reformatting the text message

from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and (d) forwarding the reformatted text message to an email server that is compatible with the email format,” as recited in claim 29.

Further, *Weitz* describes broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Weitz* describes that a net message may be converted to an email message when a particular user to whom a net message is being directed is not logged on a network. See col. 22, lines 18-23. As such, *Weitz* does not disclose the formatting of an email message within a text message and the reformatting of the text message into an email format. Accordingly, *Weitz* does not remedy the deficiencies of *Brown*.

In addition, *Troen-Krasnow* discloses broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Troen-Krasnow* describes that a voice message may be converted to a text message preferred by a recipient. See col. 6, lines 23-32. As such, *Troen-Krasnow* does not disclose the formatting of an email message within a text message and the reformatting of the text message into an email format. Accordingly, *Troen-Krasnow* does not remedy the deficiencies of *Brown* and *Weitz*. For that matter, the background section of Applicant’s disclosure also does not remedy the aforementioned deficiencies.

As a result, *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant’s Admitted Prior Art (AAPA) fails to teach or suggest at least “(a)

broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message, and wherein a body of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture; (b) receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text message is intended for the server computer; (c) reformatting the text message from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and (d) forwarding the reformatted text message to an email server that is compatible with the email format,” as recited in claim 29. Therefore, the rejection of claim 29 should be withdrawn. Since claim 32 depends from claim 29 and recites additional features, claim 32 is also allowable over the cited art.

F. Claims 30-31 and 33

Applicant respectfully submits that *Lewis* does not make up for the deficiencies of *Brown*, *Weitz*, *Troen-Krasnow*, and *AAPA* in disclosing all of the features of independent claim 29; *Ooe* does not make up for the deficiencies of *Brown*, *Weitz*, *Troen-Krasnow*, and *AAPA* in disclosing all of the features of independent claim 29; and *Lewis* and *Bookspan* do not make up for the deficiencies of *Brown*, *Weitz*, *Troen-Krasnow*, and *AAPA* in disclosing all of the features of independent claim 29.

Therefore, claims 30-31 and 33 are considered patentable over any combination of the cited art for at least the reason that claims 30-31 and 33 incorporate allowable features of claim 29 as set forth above.

G. Claim 34

Independent claim 34 recites:

A system for sending an electronic mail from a client in a client-server architecture, the system comprising:

(a) means for broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message, and wherein a body of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture;

(b) means for receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text message is intended for the server computer;

(c) means for reformatting the text message from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and

(d) means for forwarding the reformatted text message to an email server that is compatible with the email format;

wherein broadcasting includes transmitting a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that independent claim 34 is allowable for at least the reason that the combination of *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant's Admitted Prior Art (AAPA) does not disclose, teach, or suggest at least "(a) means for broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a

subject field of the text message, and wherein a body of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture; (b) means for receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text message is intended for the server computer; (c) means for reformatting the text message from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and (d) means for forwarding the reformatted text message to an email server that is compatible with the email format,” as emphasized above.

For example, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the SMTP host. *Brown* fails to disclose a broadcast transmission of messages where a message is transmitted to all network components on a network. Further, *Brown* discloses a conversion of a sender-preferred message format, such as a voice mail format, to a recipient-preferred messaging format, such as an email format, whereas claim 34 describes an email message being contained in a broadcast text message; the text message being broadcasted to a server; and the text message being reformatted into an email message that is sent to a destination email address (which is the same format as the initial format). For at least these reasons, *Brown* fails to teach or suggest at least “(a) means for broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message, and wherein a body

of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture; (b) means for receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text message is intended for the server computer; (c) means for reformatting the text message from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and (d) means for forwarding the reformatted text message to an email server that is compatible with the email format," as recited in claim34.

Further, *Weitz* describes broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Weitz* describes that a net message may be converted to an email message when a particular user to whom a net message is being directed is not logged on a network. See col. 22, lines 18-23. As such, *Weitz* does not disclose the formatting of an email message within a text message and the reformatting of the text message into an email format. Accordingly, *Weitz* does not remedy the deficiencies of *Brown*.

In addition, *Troen-Krasnow* discloses broadcasting of messages but does not disclose an approach for forwarding an email message using broadcast transmissions. Also, *Troen-Krasnow* describes that a voice message may be converted to a text message preferred by a recipient. See col. 6, lines 23-32. As such, *Troen-Krasnow* does not disclose the formatting of an email message within a text message and the reformatting of the text message into an email format.

Accordingly, *Troen-Krasnow* does not remedy the deficiencies of *Brown* and *Weitz*. For that matter, the background section of Applicant's disclosure also does not remedy the aforementioned deficiencies.

As a result, *Brown* in view of *Weitz* in further view of *Troen-Krasnow* in further view of Applicant's Admitted Prior Art (AAPA) fails to teach or suggest at least "(a) means for broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message, and wherein a body of the text message contains a destination email address, email subject, and email body for the electronic email, wherein the client computer is part of a client-server architecture; (b) means for receiving the text message at a server computer of the client-server architecture after discerning from the text in the subject field that the text message is intended for the server computer; (c) means for reformatting the text message from the broadcast format to an email format having the destination email address, the email subject, and the email body from the text message; and (d) means for forwarding the reformatted text message to an email server that is compatible with the email format," as recited in claim 34. Therefore, the rejection of claim 34 should be withdrawn.

H. Claim 35

Applicant respectfully submits that *Lewis* and *Bookspan* do not make up for the deficiencies of *Brown*, *Weitz*, *Troen-Krasnow*, and AAPA in disclosing all of the features of independent claim 34. Therefore, claim 35 is considered patentable over any

combination of the cited art for at least the reason that claim 35 incorporates allowable features of claim 34 as set forth above.

III. Response to Well-Known Statements

Regarding claims 13, 20, and 22, the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown, Weitz, Troen-Krasnow, and AAPA in view of Bookspan to use MAPI. One would be motivated to do so because it provides a consistent interface that is **well known** in use for email servers.

Page 18 (Emphasis added).

Regarding claims 15, 26, and 30, the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown, Weitz, Troen-Krasnow, and AAPA in view of Lewis to use TIB Rendezvous. One would be motivated to do so because it is a **well-known** software used in messaging.

Pages 19-20 (Emphasis added).

Regarding claims 28 and 31, the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown, Weitz, Troen-Krasnow, and AAPA in view of Ooe to use TCPIIP for email and broadcast. One would be motivated to do so because TCPIIP is a **well-known** protocol used for messaging.

Pages 20-21 (Emphasis added).

Regarding claims 33 and 35, the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown, Weitz, Troen-Krasnow, and AAPA in view of Lewis to use TIB Rendezvous. One would be motivated to do so because it is a **well-known** software used in messaging

. . .

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown, Weitz, Troen-Krasnow, AAPA, and Lewis in view of Bookspan to use MAPI. One would be motivated to do so because it provides a consistent interface that is **well known** in use for email servers.

Page 21 (Emphasis added).

MPEP 2144.03 provides that a reliance on an assertion of “well known” prior art by the Examiner needs to be traversed by the Applicant or the well-known in the art statement may be taken to be admitted prior art. While each of the above statements in the Office Action include “well-known” language, the statements are being used to support a motivation basis for combining references and not being used to assert prior art as being well-known. Therefore, Applicant does not believe that it needs to comment on these well-known statements, since they should not be eligible to be deemed to be admitted prior art. However, if the Applicant’s understanding of the rule is incorrect, Examiner herein traverses the well-known statements above, and upon the Examiner’s request, Applicant will provide an explanation of his reasoning for traversing the well-known statements above in the next response.

CONCLUSION

For at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/Charles W. Griggers/
Charles W. Griggers, Reg. No. 47,283